



FEDERAL COMMUNICATIONS COMMISSION

JULIUS GENACHOWSKI
CHAIRMAN

July 19, 2011

Mr. Héctor Olavarría Tapia
Under Secretary of Communications
Secretariat of Communications and Transportation
Xola y Avenida Universidad
Cuerpo "C" Primer Piso
C.P. 03020 México D.F.

Dear Mr. Olavarría:

Pursuant to Article IV of the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Allocation and Use of Frequency Bands by Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border* signed at Williamsburg, Virginia on June 16, 1994 (the "1994 Agreement"), the Federal Communications Commission is the designated Administration for the United States under Article II, paragraph 1 of the *Protocol Between the Department of State of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States Concerning the Allotment and Use of the 698-806 MHz Band for Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border*, signed at Mexico City on November 1, 2006, and at Antalya, Turkey on November 8, 2006 (the "2006 Protocol").

As a result of discussions that have taken place under the Bilateral Working Level of the U.S.-Mexico High Level Consultative Commission on Telecommunications (HLCC) and in accordance with Article V of the 1994 Agreement, I am pleased to propose, on behalf of the Federal Communications Commission, that the 2006 Protocol be amended as follows:

Article III, subparagraph 2.a.i shall read as follows:

"(i) The maximum power flux density (PFD) at any point at or beyond the common border of all emissions shall not exceed -96 dBW/m² in any 1 MHz bandwidth;"

Article III, subparagraph 2.a.iv.3 shall read as follows:

"(3) Continue operations with a PFD greater than -96 dBW/m²/MHz either until the operator notifies its counterpart operator(s) that the mutual understanding referred to in the prior subparagraph (subparagraph 2.a.iv.2 of this Article) is cancelled or until the operator is notified by the appropriate Administration to return to the PFD required in subparagraph 2.a.i;"; and

A subparagraph shall be added to Article III, subparagraph 2.a. following subparagraph (iv), which shall read as follows:

“(v) In cases where there is no counterpart operator within 110 km (68.35 miles) of the border, an Administration may apply the following conditions to its operators:

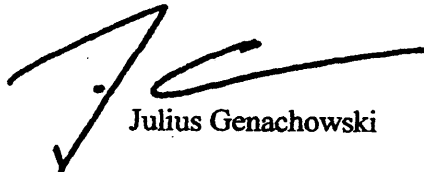
(1) Stations may not produce a PFD that exceeds -96 dBW/m²/MHz, unless otherwise agreed by both Administrations by mutual consent. In case of mutual agreement by both Administrations, the Administration with jurisdiction over the operator seeking to exceed the PFD limit shall provide the necessary authorization for operation at the higher transmission level and the operator shall request such authorization from its Administration;

(2) When an operator within 110 km (68.35 miles) of the border employs a transmission level greater than -96 dBW/m²/MHz at the common border and is notified of startup operations by a counterpart operator on the other side of the border, both operators shall coordinate appropriate technical and operational network parameters and seek coordination using the process set forth in subparagraph 2.a.iv. above; and”.

Lastly, the pre-existing subparagraph 2.a.v of Article III shall be relabeled subparagraph 2.a.vi.

If the above-proposed amendments are acceptable to the Secretariat of Communications and Transportation, I further propose that this letter and your affirmative letter in reply shall constitute an agreement between the Federal Communications Commission of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States to amend the 2006 Protocol, which agreement shall enter into force on the date of your letter in reply. The above provisions of this letter have no affect on both Administrations' commitment to start the process leading to the signing of the related amendments to the Protocol in question so as to reflect the changes contained in this document, as well as those deemed convenient in the future.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Genachowski', with a stylized flourish at the end.

Julius Genachowski

[TRANSLATION TO ENGLISH OF MEXICO's LETTER-IN-REPLY]

UNITED MEXICAN STATES

Under Secretariat of Communications

[Seal]

2.- 045/2011

SECRETARIAT OF COMMUNICATIONS
AND TRANSPORTATION

Mexico City, on 28 Jul 2011

Mr. Julius Genachowski
Chairman, Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

I refer to your letter dated July 19, 2011 regarding a proposed amendment to the "*Protocol Between the Department of State of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States Concerning the Allotment and Use of the 698-806 MHz Band for Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border*," signed at Mexico City on November 1, 2006, and at Antalya, Turkey on November 8, 2006 (the "2006 Protocol"), which, in relevant part, establishes the following:

Pursuant to Article IV of the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Allocation and Use of Frequency Bands by Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border* signed at Williamsburg, Virginia on June 16, 1994 (the "1994 Agreement"), the Federal Communications Commission is the designated Administration for the United States under Article II, paragraph 1 of the *Protocol Between the Department of State of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States Concerning the Allotment and Use of the 698-806 MHz Band for Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border*, signed at Mexico City on November 1, 2006, and at Antalya, Turkey on November 8, 2006 (the "2006 Protocol"). As a result of discussions that have taken place under the Bilateral Working Level of the U.S.-Mexico High Level Consultative Commission on Telecommunications (HLCC) and in accordance with Article V of the 1994 Agreement, I am pleased to propose, on behalf of the Federal Communications Commission, that the 2006 Protocol be amended as follows:

Article III, subparagraph 2.a.i shall read as follows:

"(i) The maximum power flux density (PFD) at any point at or beyond the common border of all emissions shall not exceed -96 dBW/m² in any 1 MHz bandwidth;"

Article III, subparagraph 2.a.iv.3 shall read as follows:

“(3) Continue operations with a PFD greater than -96 dBW/m²/MHz either until the operator notifies its counterpart operator(s) that the mutual understanding referred to in the prior subparagraph (subparagraph 2.a.iv.2 of this Article) is cancelled or until the operator is notified by the appropriate Administration to return to the PFD required in subparagraph 2.a.i; and”; and

A subparagraph shall be added to Article III, subparagraph 2.a., which subparagraph (2.a.v) shall read as follows:

“(v) In cases where there is no counterpart operator within 110 km (68.35 miles) of the border, an Administration may apply the following conditions to its operators:

(1) Stations may not produce a PFD that exceeds -96 dBW/m²/MHz, unless otherwise agreed by both Administrations by mutual consent. In case of mutual agreement by both Administrations, the Administration with jurisdiction over the operator seeking to exceed the PFD limit shall provide the necessary authorization for operation at the higher transmission level and the operator shall request such authorization from its Administration;

(2) When an operator within 110 km (68.35 miles) of the border employs a transmission level greater than -96 dBW/m²/MHz at the common border and is notified of startup operations by a counterpart operator on the other side of the border, both operators shall coordinate appropriate technical and operational network parameters and seek coordination using the process set forth in subparagraph 2.a.iv. above; and”.

Lastly, subparagraph 2.a.v of Article III shall be relabeled as subparagraph 2.a.vi.

In accordance with Article III, paragraph 1 of the 2006 Protocol, where the Secretariat of Communications and Transportation is designated as the Administration of the United Mexican States, I am pleased to inform you that your proposed amendments are acceptable to the Secretariat of Communications and Transportation. Consequently, the Secretariat of Communications and Transportation finds it appropriate to agree that your letter and this letter in reply shall constitute an agreement between the Federal Communications Commission of the United States and the Secretariat of Communications and Transportation of the United Mexican States to amend the “2006 Protocol,” which agreement shall enter into force starting on the date of this letter. The above provisions of this letter have no effect on both Administrations’ commitment to start the process leading to the signing of the related amendments to the Protocol in question so as to reflect the changes contained in this document, as well as those deemed convenient in the future.

Please accept this expression of my highest and distinguished consideration.

Sincerely,
The Under Secretary

/Original Signed by Héctor Olavarria Tapia/

Héctor Olavarria Tapia

Copy to: Mr. Dionisio Pérez-Jácome Friscione, Secretary of Communications and Transportation (SCT);
Mr. Mony de Swaan Addati, Chairman, Federal Telecommunications Commission (COFETEL).